

HOUSE BILL No. 4366

March 7, 1989, Introduced by Rep. Owinga and referred to the Committee on Labor.

A bill to amend section 48 of Act No. 1 of the Public Acts of the Extra Session of 1936, entitled as amended "Michigan employment security act," as amended by Act No. 164 of the Public Acts of 1983, being section 421.48 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 48 of Act No. 1 of the Public Acts of
2 the Extra Session of 1936, as amended by Act No. 164 of the
3 Public Acts of 1983, being section 421.48 of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 48. (1) An individual shall be deemed "unemployed"
6 with respect to any week during which he or she performs no serv-
7 ices and with respect to which remuneration is not payable to the
8 individual, or with respect to any week of less than full-time
9 work if the remuneration payable to the individual is less than

1 his or her weekly benefit rate. However, any loss of
2 remuneration incurred by an individual during any week resulting
3 from any cause other than the failure of the individual's employ-
4 ing unit to furnish full-time, regular employment shall be
5 included as remuneration earned for purposes of this section and
6 of section 27(c). The total amount of remuneration thus lost
7 shall be determined in such manner as the commission shall by
8 regulation prescribe. For the purposes of this act, an
9 individual's weekly benefit rate shall mean the weekly benefit
10 rate as determined pursuant to section 27(b).

11 (2) All amounts paid to a claimant by an employing unit or
12 former employing unit for a vacation or a holiday, and amounts
13 paid in the form of retroactive pay, or in lieu of notice, shall
14 be deemed remuneration in determining whether an individual is
15 unemployed under this section and also in determining his or her
16 benefit payments under section 27 (c), for the period designated
17 by the contract or agreement providing for the payment, or if
18 there is no contractual specification of the period to which such
19 payments shall be allocated, then for the period designated by
20 the employing unit or former employing unit. NOTICE TO EMPLOYEES
21 OF SUCH ALLOCATION SHALL BE SATISFIED IF ALLOCATION IS PROVIDED
22 FOR IN THE COLLECTIVE BARGAINING AGREEMENT COVERING THE INDIVIDU-
23 ALS, OR, FOR NONREPRESENTED EMPLOYEES, THE EMPLOYER'S POLICY PRO-
24 VIDING FOR ALLOCATION IS PUBLISHED AND CONSPICUOUSLY POSTED IN
25 THE EMPLOYER'S ESTABLISHMENT. However, payments for a vacation or
26 holiday made, or the right to which has irrevocably vested, after
27 14 days following such vacation or holiday, and payments in the

1 form of termination, separation, severance or dismissal
2 allowances, and bonuses, shall not be deemed wages or remunera-
3 tion within the meaning of this section.

4 (3) An individual shall not be deemed to be unemployed
5 during any leave of absence from work granted by an employer
6 either at the request of the individual or pursuant to an agree-
7 ment with the individual's duly authorized bargaining agent, or
8 in accordance with law. An individual shall neither be consid-
9 ered not unemployed nor on a leave of absence solely because the
10 individual elects to be laid off, pursuant to an option provided
11 under a collective bargaining agreement or written employer plan
12 which permits such election, when there is a temporary layoff
13 because of lack of work, and the employer has consented thereto.